

K 2732

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: 35280046US00

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled "Protein for Inhibiting Apoptosis", the specification of which is attached hereto unless the following box is checked:

was filed on October 1, 1999;  
as United States Application Number or PCT International Application Number 09/402,569; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

### PRIOR FOREIGN APPLICATION(S)

Application No.	Country	(Day/Month/Year/Filed)	Priority Claimed
197 13 434.3	Germany	1 April 1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
PCT/DE98/00940	PCT	1 April 1998	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Application No.

Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.

Filing Date

(Status – patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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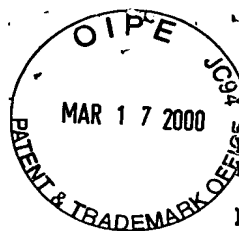
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR KRAMMER, PETER	CITIZENSHIP GERMAN
RESIDENCE WERDERSTR. 11, 69120 HEIDELBERG, GERMANY	DATE 10/25/99
POST OFFICE ADDRESS WERDERSTR. 11, 69120 HEIDELBERG, GERMANY	INVENTOR'S SIGNATURE <i>Peter Kramer</i>
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POST OFFICE ADDRESS <del>SINSHEIMER STR. 52, 68235 MANNHEIM,</del> GERMANY 1413 E. 57 <sup>th</sup> St., Chicago, IL 60637	INVENTOR'S SIGNATURE <i>M. Peter</i>
FULL NAME OF THIRD INVENTOR SCAFFIDI, CARSTEN	CITIZENSHIP GERMAN
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POST OFFICE ADDRESS 5516 DOWGATE CT, <del>CHRISTIAN BITTER STR. 28, 69126</del> ROCKVILLE HEIDELBERG, GERMANY MD 20851	INVENTOR'S SIGNATURE <i>CS</i>



Verified Statement (Declaration) Claim. Small Entity Status  
(37 C.F.R. §§ 1.9(e) and 1.27(d)) -- Nonprofit Organization

Applicant or Patentee: Krammer et al.

Appl. or Patent No.: 09/402,569

Filed or Issued: October 1, 1999

Attorney Docket No. 35280046US00

For: Protein Inhibiting Apoptosis

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION

Deutsches Krebsforschungszentrum Stiftung des öffentlichen Rechts  
Im Neuenheimer Feld 280, 69120 Heidelberg, Germany

ADDRESS OF NONPROFIT ORGANIZATION

TYPE OF NONPROFIT ORGANIZATION

- ☐ University or other institution of higher education  
☐ Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))  
☐ Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)  
☒ Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America  
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention must file a separate verified statement averring to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 C.F.R. § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

Each person, concern or organization (other than the nonprofit organization identified above) having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below:

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL  
ORGANIZATION

( ) SMALL BUSINESS CONCERN

( ) NONPROFIT

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Prof. Dr. med. H. Zorhausen

Dr. rer. oec. J. Pächte

TITLE IN ORGANIZATION Chairman & Scientific Member of the Board

Admin. Member of the Board

ADDRESS OF PERSON SIGNING Im Neuenheimer Feld 280, 69120 Heidelberg, Germany

SIGNATURE [Signature]

DATE 21.8.99

HOWREY & SIMON

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